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Attorney for *Defendant Kuanyi Chen*

IN THE UNITED STATES DISTRICT COURT
 FOR THE
 NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 12-00026
)	
Plaintiff,)	
)	DEFENDANT'S OBJECTION TO
vs.)	PROCEEDING WITH SENTENCING
)	
KUANYI CHEN,)	
)	
Defendant.)	Date: February 13, 2013
)	Time: 9:00 a.m.
)	Judge: Hon. Frances Tydingco-Gatewood

Defendant Kuanyi Chen, by and through his court-appointed counsel, hereby objects to proceeding with the sentencing in the above-captioned case presently scheduled for February 13, 2013 at 9:30 a.m.

The Probation Officer in this case filed a draft Presentence Investigation Report ("PSR") on January 29, 2013 — 15 days prior to the scheduled sentencing in this case. *See* ECF Doc. # 36.

Fed. R. Crim. P. 32(e)(2) provides that the probation officer must give the presentence report to the defendant, the defendant's attorney and the attorney for the government at least 35 days prior to sentencing. Defendant has not waived this minimum period.

Moreover, Fed. R. Crim. P. 32(f) allows the parties 14 days thereafter to provide written objections to the draft PSR which objections could lead to further investigation by the probation

1 officer and a revised PSR, but which unresolved objections, if any, must be included in an addendum
2 to a final PSR in any case. Fed. R. Crim. P. 32(g). The final PSR with the addendum must be
3 provided to counsel at least 7 days prior to sentencing. *Id.*

4 Here, not only is the draft PSR late under the rules, but there is simply no time between now
5 and the presently scheduled sentencing date to file objections to the PSR, to obtain the requisite
6 consideration of the objections from the U.S. Probation Office, to obtain a final PSR with the
7 required addendum and to file a sentencing memorandum that addresses factual and legal
8 inaccuracies in the PSR.

9 For the foregoing reasons, Defendant objects to proceeding with sentencing as presently
10 scheduled.

11 Defendant would note that he is currently detained and has been detained in this case since
12 his initial arrest on August 25, 2012 — 161 days from the date of this Objection. The undersigned
13 is concerned that an delay in Defendant's sentencing may impact the sentencing guidelines range
14 applicable to Defendant in this case should Defendant remain incarcerated pending sentencing.

15 Furthermore, the undersigned counsel for Defendant should inform the court and the parties
16 that he will be off-island on a previously scheduled trip from March 21, 2013 through April 23, 2013.

17
18 DATED this 1st day of February, 2013.

19 /s/ Mark B. Hanson

20

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Attorney for Defendant Kuanyi Chen

CERTIFICATE OF SERVICE

I certify that the following were served with a copy of the foregoing via the Court's electronic case filing system:

Rami S. Badawy, AUSA
UNITED STATES OFFICE OF THE ATTORNEY GENERAL
District of the Northern Mariana Islands
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Saipan, Mariana Islands 96950
E-mail: Rami.Badawy@usdoj.gov

DATED: February 1, 2013

/s/ Mark B. Hanson

MARK B. HANSON